

United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In Re: BCN#: 17-11124-BFK
Mi Ja Park a/k/a Mija Park a/k/a Mi Park a/k/
a Mi J Park Chapter: 13
Debtor

Wells Fargo Bank, N.A.
or present noteholder,
Movant/Secured Creditor,

v.

Mi Ja Park a/k/a Mija Park a/k/a Mi Park a/k/a
Mi J Park

Debtor
Joong Don Park
Codebtor

and
Thomas P. Gorman
Trustee
Respondents

ORDER GRANTING IN REM RELIEF FROM STAY AS TO REAL PROPERTY
COMMONLY KNOWN AS 3850 Farr Oak Circle, Fairfax, VA 22030

THIS MATTER was before the court on the 31st day of May, 2017, on the Motion of Wells Fargo Bank, N.A. for Relief from the Automatic Stay of 11 U.S.C. § 362(a), the argument of counsel, and the record herein; and

Lindsey C. Kelly, Esquire
VSB #71314
Gregory N. Britto, Esquire
VSB #23476
Daniel Eisenhauer, Esquire
VSB #85242
William M. Savage, Esquire
VSB #06335
Malcolm B. Savage, III, Esquire
VSB #91050
Thomas J. Gartner, Esquire
VSB #79340
Shapiro & Brown, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320
(757) 687-8777
15-248609

IT FURTHER APPEARING to the Court, based on a review of the pleadings and argument of counsel, that the filing of the petition herein was part of a scheme to delay, hinder, or defraud creditors which involved multiple bankruptcy filings affecting the real property described hereinafter.

IT IS, HEREBY, ADJUDGED, ORDERED, AND DECREED that the automatic stay imposed by 11 U.S.C. § 362(a) is modified to permit the movant and its successors and assigns to enforce the lien of its deed of trust as it pertains to the real property located at 3850 Farr Oak Circle, Fairfax, VA 22030, and is more particularly described as follows:

Lot 80, Section 2, FARRCROFT, as the same appears duly dedicated, platted and recorded in Deed book 10983 at page 939, among the Land Records of Fairfax County, Virginia

which relief shall extend to the purchaser at the foreclosure sale to allow the purchaser to take such action under state law, as may be necessary, to obtain possession of the property; and

IT IS, FURTHER ADJUDGED, ORDERED, AND DECREED, that an equitable servitude be created for a period of 180 days from entry of this Order, so that in the event of a future filing by the Debtor, or any other person or entity claiming an interest in the property, the automatic stay of 11 U.S.C. § 362(a) shall not attach to the subject property and shall not create a stay as to this secured creditor and the enforcement of its security interest in the subject property.

Jun 22 2017

Date

/s/ Brian F. Kenney

The Honorable Judge Brian F. Kenney
United States Bankruptcy Judge

Notice of Judgment or
Order Entered on Docket June 22, 2017

I ask for this:

/s/ Malcolm B. Savage, III

Lindsey C. Kelly, Esquire
Gregory N. Britto, Esquire
Daniel Eisenhower, Esquire
Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
Thomas J. Gartner, Esquire
Counsel for Movant

I certify that I have served the proposed Order upon all necessary parties to the action by first class mail, postage prepaid, on the 9th day of June, 2017.

/s/ Malcolm B. Savage, III

Lindsey C. Kelly, Esquire
Gregory N. Britto, Esquire
Daniel Eisenhower, Esquire
Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
Thomas J. Gartner, Esquire
Counsel for Movant

Copies are to be sent to:

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Thomas P. Gorman
300 N. Washington St. Ste. 400
Alexandria, VA 22314

Mi Ja Park
3850 Farr Oak Circle
Fairfax, VA 22030

Joong Don Park
3850 Farr Oak Circle
Fairfax, VA 22030

CERTIFICATION

Pursuant to Local Rule 9022-1(C), I hereby certify that all necessary parties have endorsed the above order.

/s/ Malcolm B. Savage, III

Lindsey C. Kelly, Esquire
Gregory N. Britto, Esquire
Daniel Eisenhower, Esquire
Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
Thomas J. Gartner, Esquire
Attorney for Movant

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